REMARKS/ARGUMENTS

In the present Office Action, the Examiner has required an election of one of three groups of claims, identified as:

Group I: Claims 1-19, drawn to a method comprising administering interferon to a subject and administering erythropoietin to said subject.

Group II: Claims 20-22, drawn to a method comprising administering an antiviral regimen comprising interferon and ribavirin to a subject, measuring hemolysis of said subject's red blood cells, adjusting the amount of ribavirin provided to the subject, and administering erythropoietin to said subject.

Group III: Claims 1-19, drawn to a method comprising administering interferon to a subject, administering erythropoietin to said subject, administering anti-tumor necrosis factor compound.

The Examiner has also required an election of species from each of the following:

(1) Claim 1: A method comprising administering to a subject interferon concurrently with a nucleoside analog, a protease inhibitor, or an anti-tumor agent.

(2) Claims 1 and 3: A method comprising administering to a subject interferon concurrently with a nucleoside analog selected from the group

consisting of ribavirin, AZT, 3TC, abacavir sulfate, stavudine, didanosine, zalcitabine, gemcitabine, or ganciclovir.

(3) Claims 1 and 7: A method comprising administering to a subject interferon concurrently with a protease inhibitor selected from the group consisting of aquinavir, itonavir, or ndinavir.

(4) Claims 1 and 9: A method comprising administering to a subject interferon concurrently with an anti-tumor agent selected from the group consisting of cladribine, Chlorambucil, DTIC-Dome, cisplatin, cyclophosphamide, fluorouracil, epirubicin, methotrexate, vincristine, doxorubicin, bleomycin, or etoposide.

(5) Claims 1 and 9: A method comprising administering to a subject interferon concurrently with cladribine, wherein the interferon is administered to the subject to treat a disease selected from the group consisting of hairy cell leukemia, or multiple sclerosis.

(6) Claims 1 and 9: A method comprising administering to a subject interferon concurrently with epirubicin, wherein the interferon is administered to the subject to treat a disease selected from the group consisting of bladder cancer, renal cancer, or ovarian cancer.

(7) Claims 23, 25, and 26: A method comprising administering to a subject an anti-tumor necrosis factor selected from the group consisting of thalidomide, pentoxifylin, infliximab, glucocorticoids, or etanercept.

Applicants respectfully traverse the restriction requirement. To be fully responsive, however, Applicants hereby elect for prosecution the claims of Group 1 (Claims 1-19, drawn to a method comprising administering interferon to a subject and administering erythropoietin to said subject.). Applicants expressly reserve the right to file one or more divisional applications directed to the subject matter originally presented in the non-elected claims.

For the species election, Applicants hereby elect, with traverse, a method comprising administering to a subject interferon concurrently with a therapeutic agent selected from the group consisting of (1) a nucleoside analog wherein said nucleoside analog is (2) ribavirin. Applicants believe that no other species elections are required as elections from species in (3) through (7) are rendered moot by Applicant's elections of species in (1) and (2).

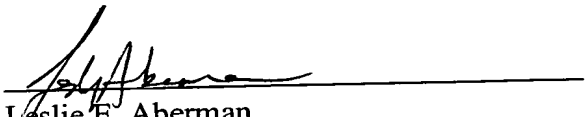
Two criteria must be met in order for a requirement for restriction to be proper: (1) the inventions must be shown to be independent and distinct; and (2) there must be a serious burden on the examiner, such as a showing of a separate classification, separate status in the art, or a different field of search. *See* MPEP § 803.

Applicants submit that, in light of the species election, Groups I and II should be rejoined since the examination of the claims of groups I and II would not impose a serious burden on the Examiner. Applicants respectfully submit that a search for methods

comprising administering to a subject interferon concurrently with ribavirin to a subject would encompass a search for the methods encompassed by Group II. With respect to the species election, *i.e.*, selecting ribavirin as the nucleoside analog, it is Applicants' understanding that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other nucleoside analogs. See MPEP 803.02 which discusses Markush claims in relation to restriction practice.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. An early and favorable consideration of the present application is respectfully requested.

Date: August 11, 2003



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